



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB4654

Introduced 2/1/2012, by Rep. John D. Cavaletto

SYNOPSIS AS INTRODUCED:

805 ILCS 405/1

from Ch. 96, par. 4

Amends the Assumed Business Name Act. Provides that notice of filing an assumed business name certificate with a county clerk need only be published once, rather than for 3 consecutive weeks.

LRB097 17497 JLS 62700 b

1 AN ACT concerning assumed business names.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Assumed Business Name Act is amended by
5 changing Section 1 as follows:

6 (805 ILCS 405/1) (from Ch. 96, par. 4)

7 Sec. 1. Certificate; misrepresentation. No person or
8 persons shall conduct or transact business in this State under
9 an assumed name, or under any designation, name or style,
10 corporate or otherwise, other than the real name or names of
11 the individual or individuals conducting or transacting such
12 business, unless such person or persons shall file in the
13 office of the County Clerk of the County in which such person
14 or persons conduct or transact or intend to conduct or transact
15 such business, a certificate setting forth the name under which
16 the business is, or is to be, conducted or transacted, and the
17 true or real full name or names of the person or persons
18 owning, conducting or transacting the same, with the post
19 office address or addresses of such person or persons and every
20 address where such business is, or is to be, conducted or
21 transacted in the county. The certificate shall be executed and
22 duly acknowledged by the person or persons so conducting or
23 intending to conduct the business.

1 Notice of the filing of such certificate shall be published
2 in a newspaper of general circulation published within the
3 county in which the certificate is filed. Such notice shall be
4 published ~~once a week for 3 consecutive weeks. The first~~
5 ~~publication shall be~~ within 15 days after the certificate is
6 filed in the office of the County Clerk. Proof of publication
7 shall be filed with the County Clerk within 50 days from the
8 date of filing the certificate. Upon receiving proof of
9 publication, the clerk shall issue a receipt to the person
10 filing such certificate but no additional charge shall be
11 assessed by the clerk for giving such receipt. Unless proof of
12 publication is made to the clerk, the certificate of
13 registration of the assumed name is void.

14 If any person changes his name or his residence address or
15 the address of any place of business in the county where such
16 assumed name is being employed after filing a certificate, or
17 if the name of a person is added to any business organization
18 for which a certificate is on file, such person shall file an
19 additional, duly acknowledged certificate in the office of the
20 County Clerk of the county in which such person transacts
21 business under an assumed name. The certificate shall set out
22 the change or addition as the case may be. Such certificate
23 shall also set out the post office address of the person. If
24 any business organization for which such certificate has been
25 filed in any county of this State shall remove its place of
26 business to another county in this State or shall establish an

1 additional location for doing business in another county of
2 this State, a certificate shall be filed in the office of the
3 County Clerk of such other county and notice of the filing of
4 such certificate of a change or addition of a name shall be
5 published and proof of publication made pursuant to the
6 provisions of this section in the same manner as is provided
7 for original certificates to do business under an assumed name.

8 A foreign person or foreign entity may not use an assumed
9 or fictitious name in the conduct of its business to
10 intentionally misrepresent the origin or location of the person
11 or entity.

12 (Source: P.A. 91-906, eff. 1-1-01.)